

**MINUTES
DISTRICT ADVISORY BOARD
DISTRICT IV**

July 19, 2000

7:00 p.m.

Stanley/Aley Community School Center, 1749 South Martinson

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Members Present

Council Member Bill Gale
June Bailey
Dorman Blake
Chris Carraher
Jerry McGinty
Paul Ward
Wayne Wells
Bea Vickers

Members Absent

Bonny Johnson-Patrick
Tom Kessler
Edwin Koon

Guests

Joseph T. Pajor	Marvin Krout
Jay Newton	Eldon Honn
Larry Henry	Robert Sheraden
Iola Crandall	Tim Austin
Larry Peterson	Kim Edgington
Glenda Peterson	Anthony Bamberger

ORDER OF BUSINESS

At 7:07 p.m., **Council Member Bill Gale** called the meeting to order, welcomed guests, and highlighted the intent and purpose of District Advisory Boards.

Council Member Gale asked if there were modifications to the minutes from June 7 and June 21. **June Bailey** requested to amend June 21 minutes to read “like” instead of “lie” on page five, paragraph nine and **Jerry McGinty** requested to amend June 7 minutes to read “hear” instead of “here” on page six, paragraph two. **McGinty (Bailey)** moved to approve minutes as amended. The motion passed (7-0).

Council Member Gale (McGinty) moved to approve agenda as written. The motion passed (7-0).

Unfinished Business

1. Fire Station Relocation Study

Council Member Gale reviewed the presentation as given by **Ray Trail**, Director of Finance and **Mike Rudd**, Deputy Chief of Fire Operations and commented that this issue will be an agenda on item for all future meetings until action is taken by the **Wichita City Council**.

June Bailey inquired if the material she had requested at the June 21 meeting is available. **Brian Silcott**, Neighborhood Assistant, City Manager’s Office, stated that the Fire Department is still compiling the information. Gale stated that the information requested by **Wayne Wells** is now available.

July 25, 2000
DAB IV Minutes

New Business

2. Management of Solid Waste and Storm Debris after Brook's Landfill Closes

Joe Pajor, Director of Natural Resources, Department of Public Works, provided an update on the impact on citizens of Wichita after the closure of Brooks Landfill regarding solid waste and storm debris. **Pajor** introduced Larry Henry, Storm Sewer Division of Public Works and **Jay Newton**, Budget Analyst. **Pajor** reviewed the Presentation given to the **Wichita City Council** by **Steve Lackey**, Director of Public Works, which identified two types of waste. The first, "Civil Waste" contains all waste generated that is not storm debris, in other words all garbage generated by human beings. The second, is "Storm Debris", which is composed of predominately natural materials such as tree/shrub limbs and leaves.

Pajor highlighted the closure of Brookes Landfill as October 9, 2001 at which point the landfill will no longer accept waste. The final cover and closure date is be no later than April 9, 2002 where a thirty-year post-closure monitoring period begins. Operations by type, disposal methods, and the projected annual cost of numerous disposal alternatives was addressed. Specific attention was given to "Storm Operations" at Brooks Landfill, quantity, collection methods, and present and future costs.

Pajor thoroughly addressed the impact of the landfill's closure and asserted that Waste management practices will have to change to adequately address the situation. Disposal costs for "normal" city of Wichita operations may increase by up to \$3,505,000 (1.95 mil) and additional cost of \$1,685,000 (.94mil) could be incurred if private alternatives a utilized for storm cleanups. Specific questions that need to addressed include 1) what storm wastes will be collected, ROW (right of way) tree waste or ROW and private waste? 2) Where will the waste be transported and disposed once collected, via private facilities or process and dispose at a City facility? 3) What will happen to existing programs which are funded from current "tip-fee" revenues, which include the Neighborhood Cleanup, Alley and Trash Cleanups, and Indigent Trash Cleanup programs?

Pajor discussed four alternative approaches private facilities, city owned and operated for city use only, city owned, operated, and open to the public, and city owned and contractor operated and open to the public. Considerations for these alternatives address such issues as cost to the public and City, net income potential, flexibility for the city, capital expense, impact on existing staff, environmental liability and benefits, future costs, and marketplace conditions. The City measures the following alternatives in terms of cost to the public. Privately operated facilities reflect a "very high cost" to the city, city owned, operated, and closed to the public indicates a "very low" cost to the city; city owned, operated, and open to the public yields a "no net cost" to the City; and City owned, contractor operated, and open to the public reflects a "no net cost" to the City.

Pajor reviewed the cost and revenue model for a construction and demolition (C&D) landfill, which reflected a sustainable economic result, revenue generation for such a facility is sufficient to pay for all expenses and the three additional existing programs (neighborhood, alley and trash, and indigent cleanups). Such an endeavor would avoid \$3.5 million in new costs a year.

July 25, 2000
DAB IV Minutes

Pajor reiterated the preferred solution, as city owned, contractor operated construction and demolition landfill. The intent of Public Works is to utilize a team design and build process creating economic and operating efficiencies reflected in a self-sustaining municipal enterprise.

June Bailey inquired on the composition of street cleanup waste, **Pajor's** response dirt, sand, and small amounts of garbage. A screening process would be utilized in the City's landfill to identify any contaminants such as oils, metals, and other materials. **Bailey** inquired on the purpose of a five-year contract management plan for such a facility. **Pajor** a five-year management plan is the duration of the contract with a private firm for operation of the C&D landfill. **Bailey** inquired on the impact on neighborhood cleanups and the average size of transfer station. **Pajor** indicated that the landfill would pay for the three previously mentioned programs, including the neighborhood cleanups but "free dump days" would be suspended to fund the programs. A typical transfer station is approximately five acres in area.

Audience Member inquired on the destination of garbage after the material leaves the transfer station and the possibility of incineration. **Pajor** commented that destination is based on the private operators choice and incineration was an option, however to make incineration a viable alternative, the volume of garbage to pass is more than the site could handle and the increased costs to ensure environmental compliance and safe guards is cost prohibitive.

Council Member Gale thanked **Mr. Pajor** for his presentation and appearance before the DAB.

3. Discussion of the Proposed 2001-2002 Budget Document

Discussion of the City's Proposed 2000-2001 Budget was held providing comment to the Wichita City Council before adoption. Adoption must occur before Tuesday, August 15, 2000. Proposed Budgets are available for public viewing in all Wichita Public Libraries and the Department of Finance, Office of Budget, 12th Floor, City Hall, Wichita, KS 67202. The Wichita City Council will hear public comments on **August 1, August 8, and August 15**.

Council Member Gale opened the matter for discussion.

June Bailey questioned if the budget in brief was available. **Brian Silcott** commented that upon speaking to members in the Finance Department that was unavailable and inquired to **Jay Newton**, who commented that the budget in brief was not created this year but that a graphic summary is now available.

Council Member Gale announced the public hearing dates for the operating budget, which are July 11, 18, 25 and August 1, 8, and 15. (The complete budget calendar is available in the City of Wichita's Proposed 2001-2002 Operating Budget on page BP-2.

July 25, 2000
DAB IV Minutes

PLANNING AGENDA

4. **Wireless Communication Master Plan**

Marvin Krout, Director of the Metropolitan Area Planning Department, outlined this plan, and associated changes to the City's zoning code, will revise the procedures by which companies that offer wireless services (such as cellular phones, personal computers, and wireless internet access) site their antennas and associated equipment in the community.

Council Member Gale introduced **Marvin Krout**.

Krout reviewed the "NIMBY" (Not In My Back Yard) premise and commented the issue was largely aesthetic, reviewing the latest case in College Hill, which spearheaded the way for a community wide moratorium on wireless communication towers. The purpose of the moratorium was to provide the city with time to review and study the matter. A joint City/County task force was created to address the issue and work with a private consultant "Primus". The master plan and the associated zoning changes have evolved through six separate drafts. The task force came to a consensus on the sixth draft and **Krout** is convinced that the matter adequately address all stakeholder concerns.

Krout reviewed the key points of the sixth draft of the master plan. Current requirements are as follows: 1) towers are permitted with Conditional Use in "SF-20" and RR zoning districts and by right in "GC" and intensive districts; 2) mounting antennas on other structures treated as accessory use. 3) Minimizes number of towers by requiring location on existing tower or other structure before new tower is constructed; 4) limits are placed on color, lighting, and signage; 5) towers must be co-located for at least three users for additional users. 6) Towers must be rebuilt for additional users; 7) abandoned towers must be removed; 8) towers are subject to compatibility height standard when adjacent to "TF-3" or less intensive zoning.

Krout identified four general shortcomings of the current policy. Tower sites are limited by requiring "GC" zoning which cause unnecessary zone changes. A variance is required to modify development standards like compatibility height standard. The primary focus is on towers and not facilities associated with wireless communication. Currently, no policy exists to review and approve new wireless communication facilities.

Krout reviewed the proposed new system, which addresses location, height, and design guidelines, structural design and co-location standards, right of way issues, submittal requirements, and operations standards. Existing shortcomings are addressed in the current system by permitting towers in all zoning districts; administrative approval or conditional use is permitted rather than a zone change or variance. All wireless facilities are addressed rather than just towers, and policy guidance for review and approval of all application is created.

Council Member Gale opened the floor for questions from DAB members.

July 25, 2000
DAB IV Minutes

Paul Ward inquired on the proximity of towers in relation to each other and existing structures. **Krout** responded towers were placed according to need following the guidelines established before the moratorium. The issue of proximity to existing structures is addressed with in the construction and placement of tower, which are built to vertically collapse and require no set back standards in relation to height.

June Bailey inquired on marketplace acceptance of co-location and access to towers. **Krout** commented construction criteria address the issue of accommodations for three co-locations at a reasonable rate. **Bailey** followed up asking who defines a reasonable rate? **Krout** commented that the issue has not surfaced and co-location is a standard practice in the industry so the incentive to cooperate is present. **Bailey** inquired on abandoned towers, whose responsibility to remove and what is the timeframe for removal? **Krout** stated responsibility for removal and cleanup falls on the tower owner and removal must occur within twelve months of disuse. It is the responsibility of Office of Central Inspection (OCI) to inspect the towers. **Bailey** inquired on the availability of staff for such issues and if an increase is staff is budgeted. **Krout** to his knowledge no new staff has been budgeted.

Council Member Gale inquired if there were further questions, seeing none asked for comment from the gallery.

Tim Austin, Partner with the engineering consulting firm Austin Miller, introduced himself and commented on the exponential growth in the industry and thinks the plan is overall a good plan. **Austin** reminded DAB members to consider the trade-off between shorter tower for a larger quantity to cover the areas served. Seven current companies and two new carriers are expected to serve the greater Wichita Sedgwick County area. **Austin** stated that carriers desire to co-locate for cost savings and reiterated the necessity of this industry for the citizens and economic development goals of the community.

Joe Pajor commented on the matter as a city representative on the joint task force. The wireless communication plan is “A fascinating policy endeavor” as the demand for technology is increasing and the capabilities of the industry improve daily, our current service is the “tip of the iceberg” for future wireless services. The process created establishes priorities that industry and citizen stakeholders can live by. **Pajor** identified two focal points for the task force co-locations and aesthetic guidelines. It is **Pajor’s** professional opinion that the sixth plan is the best of alternatives considered a fact reflected that it is not a plan the industry or the citizens would have individually constructed.

Council Member Gale inquired if anyone desired to make additional comments, no one desired to speak.

July 25, 2000
DAB IV Minutes

5. CON2000-00025

The applicants Jamed Razook and Lindy Andeel requested a conditional use for vehicle and equipment sales, outdoor on property zoned "LC" Limited Commercial. The property in question is generally located at the Southwest corner of Meridian and Harry Streets. The request was heard on Thursday, July 27, 2000, at 1:30 p.m. in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, KS 67202.

Council Member Gale introduced Barry Carroll, Associate Planner, Metropolitan Area Planning Commission and requested the applicant to present first.

Kim Edgington, Applicant Agent for Austin Miller, presented the case and indicated the lot has been vacant for two years and presented a large scale map of the area indicating zoning and land use applications in the property's vicinity. **Edgington** stated limited commercial uses, traffic flows, and existing policy support policies established by the MAPC and a business of this type will not detrimentally impact the area but will increase aesthetics as the surrounding area is in decline thus improving the immediate area. **Edgington** stated screening for this land use is valid as there is a building and wooden fence along the alley and no outdoor repairs would be made to automobiles, per existing code.

Edgington then asked for questions from DAB members.

Dorman Blake inquired to the type of business operating across the street to the north of the property in question. **Edgington** stated that a transmission repair shop is currently operating in the area.

Bea Vickers questioned agent on the type of equipment to be sold on premises. **Audience** interruption "What year of cars are to be sold? I don't want this to turn into a junk yard". **Applicant** commented that he is willing to limit sales to passenger vehicles only.

Blake inquired on the screening requirements for conditional use. **Edgington** stated that a barrier is required and will be constructed.

Bailey inquired on the number of automobiles to be showcased and sold on site. **Edgington** stated the maximum number is limited to fifty automobiles.

Robert Sheraden, 3233 S. Knight, questioned if the business would perform repairs on site. **Edgington** commented that repairs would be performed but per city codes would be performed inside the structure. **Sheraden** asked if the city could restrict or limit specific items sold. **Carroll** reintroduced himself and stated specific restrictions to what is sold on the premises cannot be applied. **Carroll** defined conditional use and pointed out the zoning of the parcel would not change and the conditional use expires with the closure or relocation of the business.

July 25, 2000
DAB IV Minutes

Carroll recommended denial based on the comprehensive plan, which contains the objective of “Confine highway-oriented, auto related and non-retail commercial uses to a limited number of urban areas such as Kellogg, Broadway streets the CDB (Central Business District) fringe and other similar areas”. Further reasoning for the denial recommendation includes: 1) the zoning uses and character of the neighborhood; 2) suitability of the subject property for the uses to which it has been restricted; and 3) extent to which removal of the restrictions will detrimentally affect nearby property. 4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies and 5) impact of the proposed development on community facilities.

Carroll recommended approval if the following conditions are met. Vehicle sales shall be limited to “passenger vehicles” as defined by the Unified Zoning Code (UZC), all automobile service or repair conducted entirely within the confines of a building, and no body or fender work shall be permitted until “GC” General Commercial Zoning is first obtained. The applicant must submit a revised site plan within 60 days and approved by the Planning Director, which addressed screening, parking, signage, and lighting standards in accordance with the UZC.

Marvin Krout commented that it is reasonable to place some restrictions on the request. **Council Member Gale** asked if the board had further questions.

Paul Ward asked if approval is granted will this be the only exception to the rule. **Krout** stated that if one is permitted others are more likely to follow and legal automobile sales would occur.

Applicant requested permission to speak and asked the DAB to consider the transmission shop was granted conditional use. **Krout** stated that the transmission repair shop is limited to repairs within the confines of the building, automobile bodywork and painting is prohibited.

Bailey inquired if the MAPD or DAB staff have received any calls in favor or opposition to the request. **Carroll** and **Silcott** indicated no calls had been received either way on this issue.

Council Member Gale asked if there were further questions, none were reflected, the matter was opened for discussion between DAB members.

Chris Carraher asked the applicant if he was agreeable to the conditions set forth. **Applicant** stated he hasn’t seen the conditions. **Edgington** stated the conditions have been received, reviewed and are acceptable as set forth in the staff recommendations, including the addition of limitation of sales to “passenger vehicles” as defined by the UZC.

Carraher inquired on the applicant’s preference for screening requirements. **Edgington** stated that wood fencing is preferred to maintain the aesthetic continuity of existing fence.

Council Member Gale inquired to **Carroll** on the notice issuance and compliance with state statutes. **Carroll** stated that notification was issued with in a 200 feet radius in accordance with state law.

July 25, 2000
DAB IV Minutes

Bailey asked the applicant what is the intended hours of operation. **Applicant** responded in would likely be 9:00 a.m. to 9:00 p.m. **Bailey** asked about lighting standards. **Applicant** stated the lights are currently directed downward.

Ward inquired if item nine on page six of the staff report for case number CON2000-00025 addressed this matter. **Carroll** stated the lighting would be shielded from the neighborhood if used in accordance with city codes.

Council Member Gale asked **Barry Carroll** to provide a history of previous cases. **Carroll** commented retail uses have been previous land uses in the area, excluding automobile body repair or paint shops. **Gale** inquired if a 24-hour “Quick Trip” is permitted under current codes and **Carroll** responded in the affirmative.

Krout reviewed the recent denial of a similar case on West Street that was appealed resulting in the Wichita City Council’s action being overturned. **Krout** then stated that between the two cases being considered it is his professional opinion that this case is more appropriate for approval than CON2000-00026.

Blake stated there is a salvage yard in the immediate vicinity and the area has “gotten pretty rough” as time as past, he feels a nice auto sales facility properly done would improve the area. **Applicant** stated he sincerely wants to improve the area and sited other properties, he owns as evidence of his sincerity.

Council Member Gale asked for the recommendation of the board.

Paul Ward (Blake) motioned to amend the staff report to read “passenger vehicles” as defined by the UZC and to approve the amended staff report as written. Motion passed 6-0-1 with **Carraher** abstaining due to his position on the MAPC.

6. CON2000-00026

The applicant Razook-Andeel Hi-way Partnership requested a conditional use for vehicle and equipment sales; outdoor on property zoned “LC” Limited Commercial. The property in question is generally located at the Southeast corner of 31st Street South and Meridian Street (2433 W. 31st Street South). The request was heard on Thursday, July 27, 2000, at 1:30 p.m. in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, KS 67202.

Kim Edgington, agent for the applicant, stated the current zoning is “LC” Limited Commercial, in a mixed character area, the nearest single-family residence is 600 feet from the building in question. According to current codes the applicant would be limited to sixty vehicles in the display area. **Edgington** reiterated the fact that now single-family residence is near and considerable “LC” traffic Counts are higher than those of South Broadway and current business owners want the property in question occupied as soon as possible. There are no screening requirements with this zone.

July 25, 2000
DAB IV Minutes

Council Member Gale asked for question from the board.

Glenda Peterson, 2902 S. Edwards, expressed her desire for family oriented business and activities in the area, and thought a car lot was undesirable. **Bob Sheraden**, 3233 S. Knight, stated he has studied the situation and felt this particular car lot is not the issue but is concerned that other car sales business will enter the area if this request is approved.

Eldon Honn, 3329 S. Mt. Carmel, concerned about the skating rink, which is adjacent property will draw kids into harms way and would desire screening if the request were approved.

Sheraden prefers a fence. **Applicant** commented that a six foot high barrier currently exist between the property in question and the skating rink.

Council Member Gale asked if there were additional questions, seeing none, opened the floor to **Barry Carroll**.

Carroll stated that he was recommending denial for the following reasons: 1) zoning, uses and character of the neighborhood; 2) suitability of the subject property for the uses to which it has been restricted; 3) extent to which removal of the restrictions will detrimentally impact nearby property; 4) conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies; 5) and the impact of the proposed development on community facilities.

Carroll recommended approval if the following conditions are met. Vehicle sales shall be limited to "passenger vehicles" as defined by the Unified Zoning Code (UZC), all automobile service or repair conducted entirely within the confines of a building, and no body or fender work shall be permitted until "GC" General Commercial Zoning is first obtained. The applicant must submit a revised site plan within 60 days and approved by the Planning Director, which addressed screening, parking, signage, and lighting standards in accordance with the UZC.

Chris Carraher asked if the MAPD has received any calls in support or opposition to the request. **Carroll** stated "No". **Council Member Gale** commented that he received one call and referred the citizen to this meeting. **Carraher** asked if the applicant was agreeable to the conditions as set forth on pages five and six of the staff report for CON2000-00026. **Edgington** stated the applicant was agreeable to the conditions set forth.

June Bailey stated that she did not feel automobile sales was an appropriate use of this property.

Paul Ward and **Wayne Wells** both stated the request should be denied for the reasons mentioned in the staff comments.

June Bailey (Vickers) moved to deny the request, motion passed 6-0-1. **Chris Carraher** abstained due to his position on the MAPC.

July 25, 2000
DAB IV Minutes

TRAFFIC AGENDA

7. **DAB Ad Hoc Traffic Committee Update**

District Advisory Board IV Members **June Bailey**, **Bonny Johnson-Patrick**, and **Jerry McGinty** provided an update on Tuesday, July 11, 2000, meeting.

Council Member Gale apologized to the committee members for his absence due to a scheduling conflict.

June Bailey reviewed the agenda and items discussed. Specifically, the election of committee officers, identification of key issues and stakeholders, and the establishment of a meeting schedule. The key issues identified include the investigation of possible city ordinances or resolutions adopting the warrants used by the traffic engineering section; role responsibility, function, and responsibility of the accident reporting unit; identify if state or federal programs require usage of specific forms, processes, or protocols; ascertain the insurance industry uses of accident reporting statistics; definition of all traffic engineering warrant processes; and determine the reasoning of \$500 reporting threshold. Identification of three intersections in each participating district for study and analysis to establish possible statistical trends.

Paul Ward inquired if high accident intersections could be improved. **Bailey** stated this has not yet occurred.

Council Member Gale stated that Ed Koon has agreed to participate in the City Manager's Access Management task force and announced the presence of future DAB member **Iola Crandall**. **Gale** asked **Crandall** to introduce herself. **Crandall** stated she is a member of the Sunflower Neighborhood Business Association and is employed by Good Shepherd Episcopal Church and St. Mark Press.

NEIGHBORHOOD AGENDA

Paul Ward, Southwest Neighborhood Association, announced **Officer Tony Bamberger** and asked for a "Cruise Control" update. **Bamberger** commented the next meeting will be August 2 and the car show is scheduled for August 25. A volume awareness program was conducted in June and Pizza Hut donated pizza and the Southwest Neighborhood Association donated soft drinks. National Night Out is Tuesday, August 1.

Dorman Blake has been working on petitions for water and sewer services.

Wayne Wells announced the projected approval of the Delano Neighborhood Plan, tentatively scheduled for October. Next update for the neighborhood plan is August 15 at St. Joseph's Parish Hall.

July 25, 2000
DAB IV Minutes

June Bailey reported Orchard Breeze Neighborhood Association will hold its annual “Party in the Park” in conjunction with the annual car show on September 16. The area around West High School will hold a neighborhood party on National Night Out on Tuesday, August 1. Wichita Independent Neighborhoods would like a schedule of DAB meetings.

Bea Vickers has been attending the bond oversight committee and MAPC meetings, excited about participating in the low-income oversight committee of CSBG funds.

Council Member Gale reported the WCC’s reaffirmation of the mini-city hall concept.

Chris Carraher (Vickers) moved to adjourn at 9:30 p.m.

Respectfully Submitted,

Brian W. Silcott, Neighborhood Assistant